

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 54 OF 2006**

|                       |               |
|-----------------------|---------------|
| Alok Rampyare Pande.  | ...Applicant  |
| V/s.                  |               |
| State of Maharashtra. | ...Respondent |

Mr.Nitin Sejpal for Applicant.  
Ms.Rajeshree M. Gadhavi, APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : JANUARY 24, 2006**

**P.C. :-**

. The applicant was arrested on 18th January, 2005 in connection with an offence which is registered with Manor Police Station vide C.R.No.I-110/2004 for the offences punishable under Sections 395, 341, 328, 412 read with 120B of the IPC.

2. The prosecution case is that the complainant was carrying 229 medicine boxes worth Rs.34,77,234/- from Bhiwandi to Ahmedabad. On 20th October, 2004, some unknown persons intercepted the said tempo and thereafter, the driver was given some sweets by these persons. After consuming the sweets, the driver became unconscious and the said unknown persons took away the

medicine boxes and the offence was registered under Sections 395, 341, 328, 412 read with 120B of the IPC.

3. It is submitted by the learned Counsel for the applicant that the other co-accused have been released on bail and on the ground of parity, the applicant may be enlarged on bail. It is submitted that the present applicant had preferred a bail application in this Court vide Criminal Application No.5475/2005, however, the said application was allowed to be withdrawn. He submitted that after withdrawal of the bail application by the petitioner, the other co-accused have been released on bail.

4. Learned APP appearing on behalf of the State vehemently opposed the application for grant of bail. It was submitted that there was a recovery of medicine boxes from the present applicant. She further submitted that the applicant does not have a fixed place of residence and if he is released on bail, he is likely to abscond.

5. I have perused the order of bail which is granted to other applicants, however, in the present case, the medicine boxes were recovered at the instance of the present applicant. However, the remaining stolen goods were sold by the present applicant to different people. The affidavit-in-reply filed by the Government reveals that the applicant is a member of Kanjar Bhat Gang which operates from Madhya Pradesh and known to commit similar interstate acts. Further it is stated in the affidavit-in-reply that during the course of investigation, the applicant was in constant touch from his mobile phone alongwith accused no.1 as well as other accused. Considering the evidence against the present applicant, in my view, this is not a fit case for grant of bail.

. Application for bail is rejected.

(V.M. KANADE, J.)